

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 806 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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N R PATEL

Versus

GOVT. OF GUJARAT

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Appearance:

MR JD AJMERA for Petitioner  
NOTICE SERVED for Respondent No. 1  
GOVERNMENT PLEADER for Respondent No. 2  
NOTICE NOT RECD BACK for Respondent No. 3

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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 06/04/2000

ORAL JUDGEMENT

Present petition has been filed by the petitioner

seeking a direction on respondent no.2 for approval of his appointment as a teacher in respondent no.3 school.

None appears for the petitioner. I have heard Ms. B.R. Gajjar, learned AGP appearing on behalf of the respondents no.1 & 2. Learned counsel for the respondents submitted that the petitioner was earlier dismissed from service, however the matter is still pending before the High Court. It is submitted that, having regard to past conduct of the petitioner, the respondent no.2 has refused to accord approval for appointment of the petitioner in Vankal Kanam Kelevani Mandal, respondent no.3. It is also submitted by learned counsel for the respondents that, for appointment of regular teachers in private schools approval of the Government is necessary in case the institution receives grant-in-aid from the Government. In the instant case the matter was placed before respondent no.2 for considering whether the petitioner can be appointed on regular basis in the school of respondent no.3.

Having regard to the past conduct of the petitioner and having regard to the fact that the case is still pending in the High Court, the respondent no.2 considered that the petitioner is not a fit person for appointment as a regular teacher in the school. I do not find any illegality in the findings of the District Education Officer, because after considering the documents and background of a candidate if the authority come to a conclusion that a particular person is not fit to be appointed as a teacher, he can always refuse to accord approval for his appointment as a teacher. Consequently I find no illegality in the order of respondent no.2 in not according approval for appointment of the petitioner. Consequently there is no merit in the petition and the same is dismissed. Rule discharged. Interim relief granted earlier shall stand vacated. No order as to costs.

Dt: 6-4-2000

( P.K. Sarkar, J)

/vgn.